

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:05CR211-RLV-DCK-2

UNITED STATES OF AMERICA	)	
	)	
v.	)	<u>ORDER</u>
	)	
	)	
MIGUEL GARCIA NUNEZ	)	
_____	)	

This Cause comes on to be heard on two motions by Defendant, Doc. 315 and Doc. 316, both of which allege the same claim. The claim seeks a further reduction of sentence in the wake of this Court’s order of November 19, 2015 (Doc. 314), which granted a sentence reduction under United States Sentencing Commission Guidelines Amendment 782.

As grounds, Defendant contends that the 54 month variance downward from the low end of the original guideline range from 324 to 270 months should have carried over and been employed likewise in further reduction of his sentence imposed as a result of his Amendment 782 reduction to 262 months from 270 months (Doc. 314).

The Court finds, however, that the original variance sentence reduction to 270 months “stood on its own two feet” and is not available or applicable in the context of the sentence reduction imposed pursuant to Amendment 782, as to which the criteria for reduction are entirely different from those employed in granting the variance from the original guideline calculation.

NOW, THEREFORE, the Court finds that defendant’s two motions are without merit, and they are hereby DISMISSED.

Signed: May 9, 2018

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

